

No. 11469—Ex. F. 3-1901, dated Bangalore, 10th January 1902.

In exercise of the powers conferred by Section 29 of the Mysore Excise Regulation V of 1901, and in exercise of all other powers enabling them in this behalf, the Government of Mysore hereby frame the following amended Rules for regulating the sale of Foreign Liquors from and after the 15th day of September 1901, in lieu of all existing Rules relating to the subjects herein dealt with—

I. Under Section 3 and for the purposes of the aforesaid Regulation the Government of Mysore declare that—

(a) "Foreign spirits" and "Foreign fermented liquors" are such "spirits" or "Fermented liquors" as are manufactured in any place in Europe, America or Australia and imported into the Territories of Mysore after due payment of duty to the British Indian Government at the port of importation in India.

(b) All other spirits and fermented liquors, including those manufactured in Java, Ceylon and any place whatsoever in India, shall be treated as "Country spirits," or "Country fermented liquors," as the case may be.

II. Licenses for the vend of foreign spirits, or foreign fermented liquors, or both, shall be of the following descriptions:—

1. *Wholesale licenses for the vend of "Foreign spirits" or "Foreign fermented liquors," or both, not to be drunk on the premises, to licensed dealers only.*—Under these licenses the sale of liquor shall be in quantities of more than two imperial gallons or twelve reputed quart bottles in one transaction. The holders of this license will have the privilege of issuing to licensed dealers only samples of liquor in quantities not exceeding one pint.

2. *Retail shop licenses for the vend of "Foreign spirits" or "Foreign fermented liquors" or both, not to be drunk on the premises, to any person.*—Under this license the sale of liquor in a quantity less than one reputed pint at a time is prohibited.

3. *Retail tavern licenses for the vend of draught foreign malt liquors, only to be drunk on the premises.*—These shall be granted only in special localities selected by the Deputy Commissioner with the previous sanction of the Excise Commissioner; and they shall be granted only to approved highest bidders at public auction.

4. *Hotel and Boarding House licenses for the supply of residents in Hotels and Boarding Houses.*—No liquor shall be sold under these licenses otherwise than to residents in hotels and boarding houses for their own use and that of their guests, or to casual visitors requiring liquor with the meal or meals supplied to them.

(5) *Refreshment Room licenses.*—These will be of two classes:—

(a) *For Refreshment Rooms maintained by or under the supervision and control of Railway Companies for supply on the premises of passengers by such Railways.*—Under these licenses liquor may be sold to passengers and persons served with eatables in the rooms, for consumption on the premises to any extent, provided that no more than two reputed quarts or four reputed pints of each kind of liquor shall be sold at the Refreshment Room at one time to any such passenger for removal from the premises.

(b) *For Refreshment Rooms in which the sale of liquor is combined with the supply of meals or eatables prepared and served in the European manner.*—It will at all times be optional with the District Deputy Commissioner to withdraw these licenses if it should appear that the sale of liquor to persons who have not partaken of meals in the Refreshment Room, is permitted to such an extent or so habitually that the Refreshment Room may fairly be classed as a tavern. No sale of liquor for removal from the premises will be allowed under these licenses. The premises to be used for the sale of liquor under these licenses shall be at least of the monthly rentable value of Rs. 30 in the cities of Bangalore and Mysore and in the Kolar Gold Fields, and Rs. 15 elsewhere in the Mysore State.

6. *Occasional licenses for the sale of foreign spirits and foreign fermented liquors at refreshment stalls in connection with the race meetings, public entertainments and such other public gatherings.*—Under these licenses no removal of liquor from the premises shall be permitted.

7. *Licenses to Chemists and Druggists.*—These shall be granted for the possession and sale of such foreign spirits and foreign fermented liquors, as may upon enquiry by the Deputy Commissioner, be ascertained to be required for *bonâ-fide* medicinal or scientific purposes.

(1) Provided that the quantity possessed under the license at any one time by any chemist or druggist shall not exceed one imperial gallon in the case of imported liquors, and five imperial gallons in the case of double distilled or rectified spirits manufactured in Mysore.

(2) Provided also that the aforesaid spirits or liquors shall not be used or sold for any other purpose than that mentioned in the license.

(3). Provided further that the maximum limit of sale at any one time shall not exceed one reputed pint in the case of a private individual, or two reputed quarts in the case of a chemist, medical practitioner or scientific institution or body.

8. *Licenses to Proprietary Clubs and Co-operative Societies.*—These licenses shall be applied for and obtained from the District Deputy Commissioner by the Agent, Secretary or Manager or other person entrusted with the management of the business connected with the aforesaid Clubs or Co-operative Societies. Clubs of the ordinary kind are exempted from such of the provisions of the Excise Regulation as require them to take out licenses for the sale of foreign spirits, and foreign fermented liquors, so long as the Clubs confine themselves to selling the same to their members only.

(1) A "Proprietary Club" is a club which belongs to a single individual or firm limited, the profits made by the club being enjoyed by such individual or firm who makes a living by it.

(2) An "Ordinary Club" is one which is established for no one's living or benefit but merely for the mutual convenience of the members making no profits, but making receipts and expenditure equal.

(3) "Co-operative Society" is a society formed among working classes or laborers, for supplying themselves with articles of consumption, each of them contributing a small sum. The requisite goods are purchased with the money of the society, and sold at the ordinary market rate, the profits being periodically divided among the members or going to increase the capital of the society.

9. *Auctioneer's licenses.*—The following are the important provisions of this license:—

(a) Liberty to give sample bottles in respect of all consignments whether trade consignments or the property of private persons, in order that intending purchasers may have the opportunity of testing high class wines and spirits at their own houses before the auction sale.

(b) Authority to sell wines, spirits and beer in less quantities than whole dozens of each description in the case of sales by auction of the property of private parties or estates, or of trade consignments which are illaged or otherwise unmerchable.

(c) Authority to sell by auction at places other than that specified in the license; viz., at any private residence at which the licensee may hold an auction.

10. *Special licenses.*—These will be granted by the District Deputy Commissioner with the previous sanction of the Excise Commissioner, when the circumstances are such as not to allow of the issue of licenses of any of the above descriptions, on such terms and conditions and for such periods as he may on each occasion determine.

III. Any two or more of the above kinds of licenses referred to in paras 1, 2, 4, 5, (b) and 10 *supra*, may be granted to the same person for the sale of liquor in the same premises, the accounts of transactions under each license being quite distinct and separate.

IV. No premises shall be used for the sale of liquor unless and until approved by the District Deputy Commissioner.

V. All licenses other than "Occasional licenses" and "Special licenses" will have effect for the official year, i. e., from the 1st July in each year until the 30th June in the following year.

VI. (1) For every Wholesale license, Retail shop license, Hotel and Boarding House license, Railway Refreshment Room license, ordinary Refreshment Room license and license to Proprietary Clubs and Co-operative Societies, granted under Rule II, there shall be payable a license fee according to the following scale per year or fraction of a year ending with 30th June:—

	Rs.
(a) for a license covering sales up to 500 gallons a year	60
(b) do do over 500 gallons and up to 750 gallons a year	90
(c) do do 750 gallons and up to 1,000 gallons a year	120
(d) for every additional 250 gallons or fraction thereof over 1,000 gallons a year.	30

Out of the above amounts, Rs. 60 as per clause (a) shall be paid in advance before the issue of license and the balance, if any, due under the remaining clauses (b), (c) and (d), shall be paid immediately after the close of each quarter of the official year for which the license is granted.

Note.—In addition to the aforesaid license fees, every license-holder of retail, hotel or Refreshment Room license within the Cities of Bangalore and Mysore is bound to register his place of business under Section 58 of the Municipal Regulations and pay the Municipality for the certificate of such registration an annual fee under clause II, III or IV of Schedule C II of the said Regulations.

(2) The fixed fees for the remaining licenses are the following :—

- (a) For occasional license, a fee not exceeding Rs. 20 for periods not exceeding 10 days at one time.
- (b) For license to Chemists and Druggists, an annual fee of Rs. 5.
- (c) Auctioneer's license, an annual fee of Rs. 5.
- (d) Special license, an annual fee of Rs. 10.
- (e) The fee for the license for the vend of draught foreign malt liquors shall be determined by the result of the auction sale of the tavern.

VII. Every applicant for a license to sell foreign spirits and foreign fermented liquors, shall give to the District Deputy Commissioner a list in writing of the particular brands he wishes to sell. The Deputy Commissioner must then satisfy himself that every brand named in the list is of genuine foreign spirit and foreign fermented liquor and is entered in the authoritative list issued by the Excise Commissioner. If he finds in the list any doubtful or spurious brand, he shall exclude the same from the list to be appended to the license. The list appended to the license will be liable to be added to, or otherwise altered, upon the application of the license-holder.

VIII. Applicants for licenses must be discouraged from asking for a long list containing brands which they have no intention of importing or selling.

IX. The Deputy Commissioner shall exercise the greatest care possible in admitting into the list any brands not imported intact in duly corked bottles, from Europe, America or Australia.

X. Brands bottled in India shall not be admitted into the list without the sanction of Government. The Government, before giving such sanction, will require the strictest guarantee that no country liquor in any shape enters into the composition of such brands. The recommendation of the Excise Commissioner for the sanction of Government to admit into the list any genuine foreign brands bottled in India, shall be accompanied by the guarantees given by the bottlers that no country liquors or drugs or other deleterious substances have entered into the composition of the brands specified in the guarantees.

XI. No foreign spirits below 15° under-proof will be allowed to be sold under any of the licenses except special licenses granted under Rule II. The District Deputy Commissioner may, however, allow the licensees to dispose of any spirits below 15° under-proof, which may remain in stock after these Rules come to force, but shall admit no such spirits into licenses except special licenses issued from and after the 15th September 1901.

XII. Licenses granted under Rule II, except the retail tavern license to sell draught malt liquors, shall include power to sell double distilled or rectified spirits at strength down to 15° under-proof and other special liquors manufactured in the Mysore Government Central Distillery. The license granted to retail taverns for the vend of draught malt liquors, shall have power to vend at the prescribed retail price any country beer which has paid duty to the British Indian Government at the Tariff rate, and also the prescribed duty to the Mysore Government, and which may be certified by the Excise Commissioner as sound and fit for consumption after necessary test and analysis by the Government Chemical Examiner.

XIII. The fixed fees for the licenses shall be payable in advance with applications for licenses.

XIV. All orders passed by the Deputy Commissioners under these Rules will be subject to appeal to the Excise Commissioner and finally to Government.

XV. The Excise Commissioner may issue subsidiary rules of practice not inconsistent with the Excise Regulation and these Rules.

XVI. Licenses granted under Rule II shall be in the appended forms.

By Order,

L. ANANTASAMI RAO,

for Secy. to Govt., Gen. & Rev. Depts.